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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/400,812	09/22/99	MCSELFRESH	P 304-15027-US

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EXAMINER

TUCKER, P

ART UNIT	PAPER NUMBER
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1721

DATE MAILED:

01/21/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

400 81 2

Applicant(s)

Mc ELFRESH ET AL

Examiner

P. TUCKER

Group Art Unit

1721

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☐ Responsive to communication(s) filed on _____.
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1 - 17 is/are pending in the application.
- ☐ Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1 - 17 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2 ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892 ☐ Notice of Informal Patent Application, PTO-152
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948 ☐ Other _____

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 8 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8, line 12, teaches "easily removed solid" without teaching the structure or feature that makes such easily removed. The scope of the claim is thus not clear.

Claim 9 teaches "reactive agent" without teaching what such agent is reactive toward, or the structure of such agent. The scope of the claim is thus not clear.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5, 7-15 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Blezard et al (5807810).

Blezard teaches viscoelastic fluids which comprise a nonionic amine oxide which are used in areas such as for drilling fluids and spacer fluids (see column 15 and example 7; column 2, lines 17-27). Dilution may be used to break the viscoelastic fluid (see claims 9-11). The present invention is thus anticipated by Blezard.

5. Claims 1-5, 7, 8, 10-15 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Thompson (4113631).

Thompson teaches a well treating composition which comprises a nonionic amine oxide such as dimethyl tallowamine oxide, and may comprise other agents such as acids and clay (see abstract, Tables). Such compositions would be viscoelastic in nature. The present invention is thus anticipated by Thompson.

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Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 6, 10 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blezard (5807810).

Blezard teaches viscoelastic fluids which comprise a nonionic amine oxide which are used in areas such as for drilling fluids and spacer fluids (see column 15 and example 7; column 2, lines 17-27). Dilution may be used to break the viscoelastic fluid (see claims 9-11). Blezard differs from the present invention in not specifically teaching the use of tallow amido propyl amine oxide as an amine oxide useful in the invention. Blezard however teaches the use of C 12-16 alkyl dimethyl amine oxide in the drilling and treating fluids (column 15). As homologues and analogues with such similar structures would be expected to have similar properties and utility, it would be obvious to one of ordinary skill in the art to utilize various homologues and analogues of the amine oxides disclosed by Blezard, including the tallow amido propyl amine oxide of the present invention, since such homologues and analogues would be expected to be useful in the viscoelastic well fluids of Blezard.


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8. Claims 1, 6, 10 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson (4113631).

Thompson teaches a well treating composition which comprises a nonionic amine oxide such as dimethyl tallowamine oxide, and may comprise other agents such as acids and clay (see abstract, Tables). Such compositions would be viscoelastic in nature. Thompson differs from the present invention in not specifically teaching the use of tallow amido propyl amine oxide as an amine oxide useful in the invention. Thompson however teaches the use of tallow dimethyl amine oxide in the well treating fluids (abstract). As homologues and analogues with such similar structures would be expected to have similar properties and utility, it would be obvious to one of ordinary skill in the art to utilize various homologues and analogues of the amine oxides disclosed by Thompson, including the tallow amido propyl amine oxide of the present invention, since such homologues would be expected to be useful in the well fluids of Thompson.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Tucker whose telephone number is (703) 308-0529. The examiner's normal working hours are 7:30am-4:00pm, Monday-Friday. If necessary SPE Gabrielle Brouillette may be contacted at 703-308-0756. For inquiries of a general nature call the receptionist at 703-308-0651. The group FAX no. is 703-305-5408. The **after final** fax no. Is 703-305-3599.

PCT-1967
January 18, 2000


PHILIP C. TUCKER
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